

Finally, the Independent Counsel concluded that although portions of Mr. Marceca's testimony before Congress were false and misleading, his testimony regarding the central issue that necessitated the appointment of an independent counsel was, on this point, truthful: No senior White House official, or Mrs. Clinton, was involved in requesting FBI background reports for improper partisan advantage. Notwithstanding evidence regarding Mr. Marceca's false testimony before Congress, the Independent Counsel concluded that the public interest in full disclosure of all relevant information regarding the matter, especially information regarding the potential existence of a conspiracy, was best served by seeking such disclosure from Mr. Marceca under a grant of immunity.

A. The Independent Counsel Concluded That There Was No Substantial Evidence of a Conspiracy Involving Senior White House Officials or Mrs. Clinton to Obtain Confidential Background Reports on Former Republican White House Staff.

The appointment of an independent counsel reflects a primary concern for the investigation of high-ranking executive branch officials.¹² Thus, a fundamental question for the Independent Counsel was whether Mr. Marceca or senior White House officials

¹² To cite but one of many possible examples, in reauthorizing the independent counsel provisions of the Ethics in Government Act in 1994, the Senate explained that the statute "meets a critical need -- public trust in government. . . . [The statute is] a trusted means of handling the rare case in which an administration is asked to investigate and prosecute its own top officials." S. Rep. 103-11, at 11 (1993).